

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CYNTHIA RICHARDS-DONALD,

Plaintiff,

v.

TIAA BOARD OF OVERSEERS; TEACHERS
INSURANCE AND ANNUITY ASSOCIATION
OF AMERICA; TIAA-CREF INDIVIDUAL AND
INSTITUTIONAL SERVICES, LLC; AND
JARROD FOWLER, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITIES,

Defendants.

Civil Action No. 13 CV 7405 (DAB)

**NOTICE OF MOTION ON BEHALF OF DEFENDANTS
TO DISMISS, OR IN THE ALTERNATIVE, TO TRANSFER VENUE**

PLEASE TAKE NOTICE that upon this Notice of Motion, the Memorandum of Law in Support of Defendants' Motion, the annexed affirmation of Eric B. Sigda, Esq., dated November 19, 2013, and upon prior proceedings and pleadings filed herein, Defendants now move this Court before the Honorable Deborah A. Batts, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, for an Order dismissing the Amended Complaint in its entirety on the basis that venue in this Court is improper under 28 U.S.C. § 1391 or, in the alternative, for an Order pursuant to 28 U.S.C. § 1406(a) transferring this litigation to the United States District Court for the Western District of North Carolina.

Dated: New York, New York
November 19, 2013

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: /s/ Eric B. Sigda

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** Application for admission
pro hac vice forthcoming*

Attorneys for Defendants